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10/091,065	03/04/2002	Anders Vinberg	063170.7028	8010

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EXAMINER	
LEE, PHILIP C	

ART UNIT	PAPER NUMBER
2152	

NOTIFICATION DATE	DELIVERY MODE
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary	Application No.	Applicant(s)	
	10/091,065	VINBERG, ANDERS	
	Examiner	Art Unit	
	Philip C. Lee	2152	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *26 October 2007*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,3-9,11 and 13-32* is/are pending in the application.

4a) Of the above claim(s) *21-30* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1,3-9,11,13-20,31 and 32* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

1. This action is responsive to the amendment and remarks filed on October 26, 2007.

2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 10/26/07 has been entered.

3. Claims 1, 3-9, 11, 13-20 and 31-32 are presented for examination, claims 21-30 are withdrawn from consideration, and claims 2, 10 and 12 are canceled.

4. The text of those sections of Title 35, U.S. code not included in this office action can be found in a prior office action.

5. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: "management application processor" as claimed in claim 9 and "storage medium" as claimed in claim 11.

Claim Rejections – 35 USC 112

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7. Claims 11 and 13-20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

a. Claim language in the following claims is not clearly understood:

i. As per claim 11, line 2, the scope and metes and bounds are indefinite. Since the phrase "*operable when executed to*" is not a requirement that it is performed, therefore it renders limitations after the phrase "operable when executed to" to be moot.

Claim Rejections – 35 USC 103

8. Claims 1, 3-5, 9, 11 and 13-15 rejected under 35 U.S.C. 103(a) as being unpatentable over Touboul, U.S. Patent 6,125,390 (hereinafter Touboul) and Dev et al, U.S. Patent 6,049,828 (hereinafter Dev) in view of Jacobs, U.S. Patent 5,761,502 (hereinafter Jacobs).

9. Touboul, Dev, and Jacobs were cited in the last office action.

10. As per claims 1 and 11, Touboul taught the invention substantially as claimed for reporting the context of an alert condition, comprising:

reporting an alert condition associated with a subject system object (col. 8, lines 10-12; col. 6, lines 54-61);

analyzing the system objects associated with the alert condition to obtain context data (col. 5, lines 7-10; col. 4, lines 39-44; col. 7, lines 40-49);

generating a context message based on the context data (col. 5, lines 7-10; col. 7, lines 40-49); and

outputting the context message (col. 8, lines 31-34; col. 14, lines 6-7, 20-23).

11. Touboul did not teach receiving, in response to the reporting of the alert condition, a user-generated dialogue request requesting context data. Dev taught receiving, in response to the reporting of the alert condition, a user-generated text-based dialogue request requesting context data for the subject system object (col. 8, lines 31-37; col. 15, lines 12-29); and the context message responsive to the user-generated request dialogue (col. 8, lines 31-37; col. 15, lines 12-29). (dialogue request is interpreted as a user input requesting a machine response that form a "conversation")

12. It would have been obvious to one having ordinary skill in the art at the time of the invention was made to combine the teachings of Touboul and Dev because Dev's teaching of a user-generated dialogue request would make it easier for user in Touboul's system to request more information regarding an alarm condition.

13. Touboul and Dev do not teach context data for relevant system objects known to be associated with the subject system object and accessing a database to identify a group of system objects known to be associated with one another. Jacobs taught context data for the subject system object and one or more relevant system object known to be associated with the subject system object (col. 9, lines 48-54; col. 14, lines 46-52; fig. 6); accessing a database to identify a group of system objects known to be associated with one another (col. 8, lines 5-7; col. 9, lines 9-14, 24-37; col. 14, lines 11-19); and identifying, from the group of system objects, a relevant system object that is known to be associated with the subject system object (col. 9, lines 48-54; col. 13, lines 8-63; col. 14, lines 38-53).

14. It would have been obvious to one having ordinary skill in the art at the time of the invention was made to combine the teachings of Touboul, Dev and Jacobs because Jacobs's teaching of accessing a database to identify a group of system object known to be associated with one another would increase the alertness of network management personnel in their systems by providing a view of the current state of the network that correlates related network events (col. 2, lines 29-65).

15. As per claim 9, Touboul taught the invention substantially as claimed for reporting the context of an alert condition, comprising:

a management application processor (fig. 1) comprising:

means for reporting an alert condition associated with a subject system object (col. 8, lines 10-12; col. 6, lines 54-61);

means for analyzing the system objects associated with the alert condition to obtain context data (col. 5, lines 7-10; col. 4, lines 39-44; col. 7, lines 40-49);

means for generating a context message based on the context data (col. 5, lines 7-10; col. 7, lines 40-49); and

means for outputting the context message (col. 8, lines 31-34; col. 14, lines 6-7, 20-23).

16. Touboul did not teach means for receiving, in response to the reporting of the alert condition, a user-generated dialogue request requesting context data. Dev taught means for receiving, in response to the reporting of the alert condition, a user-generated text-based dialogue request requesting context data for the subject system object (col. 8, lines 31-37; col. 15, lines 12-29); and the context message responsive to the user-generated request dialogue (col. 8, lines 31-37; col. 15, lines 12-29). (dialogue request is interpreted as a user input requesting a machine response that form a "conversation")

17. It would have been obvious to one having ordinary skill in the art at the time of the invention was made to combine the teachings of Touboul and Dev because Dev's teaching of a user-generated dialogue request would make it easier for user in Touboul's system to request more information regarding an alarm condition.

18. Touboul and Dev do not teach context data for relevant system objects known to be associated with the subject system object and means for accessing a database to identify a group of system objects known to be associated with one another. Jacobs taught context data for the

subject system object and one or more relevant system object known to be associated with the subject system object (col. 9, lines 48-54; col. 14, lines 46-52; fig. 6); means for accessing a database to identify a group of system objects known to be associated with one another (col. 8, lines 5-7; col. 9, lines 9-14, 24-37; col. 14, lines 11-19); and means for identifying, from the group of system objects, a relevant system object that is known to be associated with the subject system object (col. 9, lines 48-54; col. 13, lines 8-63; col. 14, lines 38-53).

19. It would have been obvious to one having ordinary skill in the art at the time of the invention was made to combine the teachings of Touboul, Dev and Jacobs because Jacobs's teaching of accessing a database to identify a group of system object known to be associated with one another would increase the alertness of network management personnel in their systems by providing a view of the current state of the network that correlates related network events (col. 2, lines 29-65).

20. As per claims 3 and 13, Touboul, Dev and Jacobs taught the invention substantially as claimed in claims 1 and 11 above. Touboul further taught wherein the analyzing includes determining properties of the subject system object (col. 7, lines 40-49).

21. As per claims 4 and 14, Touboul, Dev and Jacobs taught the invention substantially as claimed in claims 1 and 11 above. Touboul further taught wherein analyzing includes determining a physical location of a component represented by the subject system object (col. 4, lines 39-44).

22. As per claims 5 and 15, Touboul, Dev and Jacobs taught the invention substantially as claimed in claims 1 and 11 above. Jacobs further taught wherein analyzing includes determining a logical relationship of a component represented by the subject system object to a component represented by the relevant system object (col. 13, lines 8-63; col. 14, lines 38-52).

23. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Touboul, Dev and Jacobs for the same reason set forth in claim 1 above.

24. Claims 6 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Touboul, Dev and Jacobs in view of Cox, U.S. Patent 6,011,838 (hereinafter Cox).

25. Cox was cited in the last office action.

26. As per claims 6 and 16, Touboul, Dev and Jacobs taught the invention substantially as claimed in claims 1 and 11 above. Touboul, Dev and Jacobs did not teach determining a traffic load associated with the subject system object. Cox taught determining a traffic load associated with a system object (col. 3, lines 30-50).

27. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Touboul, Dev, Jacobs and Cox because Cox's teaching of

determining a traffic load would increase the efficiency of Touboul's, Dev's and Jacobs's systems by minimize the amount of failure cause by overloading a system object (col. 1, lines 11-15).

28. Claims 7 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Touboul, Dev and Jacobs in view of Grace, U.S. Patent 5,748,098 (hereinafter Grace).

29. Grace was cited in the last office action.

30. As per claims 7 and 17, Touboul, Dev and Jacobs taught the invention substantially as claimed in claims 1 and 11 above. Touboul, Dev and Jacobs did not explicit teach a component that is dependent on a component represented by the subject system object. Grace taught wherein the relevant system object representing a component that is dependent on a component represented by the subject system object (col. 1, lines 40-56; col. 3, lines 5-15).

31. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Touboul, Dev, Jacobs and Grace because Grace's teaching of relevant system object representing a component that is dependent on a component represented by the subject system object would increase efficiency of Touboul's, Dev's and Jacobs's systems by avoiding time wasted on investigating the sources of all the alert condition associated with dependent resources (col. 1, lines 40-56).

32. Claims 8 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Touboul, Dev and Jacobs in view of Nishida, U.S. Patent 5,440,688 (hereinafter Nishida).

33. Nishida was cited in the last office action.

34. As per claims 8 and 18, Touboul, Dev and Jacobs taught the invention substantially as claimed in claims 1 and 11 above. Touboul, Dev and Jacobs did not teach wherein generating includes replacing quantifiable context data with a qualitative identifier. Nishida taught a similar invention wherein generating includes replacing quantifiable context data with a qualitative identifier (col. 3, lines 29-40).

35. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Touboul, Dev, Jacobs and Nishida because Nishida's teaching of replacing quantifiable context data with a qualitative identifier would increase the user alertness in Touboul's, Dev's and Jacobs's systems by allowing alarm with critical level being at the highest in the range of emergencies demanding immediate attention by the network management personnel (col. 3, lines 36-38).

36. Claims 19-20 and 31-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Touboul, Dev and Jacobs in view of Fanshier et al, U.S. Patent 5,933,601 (hereinafter Fanshier).

37. Fanshier was cited in the last office action

38. As per claims 19 and 31, Touboul, Dev and Jacobs taught the invention substantially as claimed in claims 1 and 11 above. Touboul, Dev and Jacobs did not specifically detailing the relevant system object represents a sub-component of the subject system object. Fanshier taught wherein the relevant system object represents a component that is a sub-component of a component represented by the subject system (fig. 3; col. 5, lines 15-41).

39. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Touboul, Dev, Jacobs and Fanshier because Fanshier's teaching of the relevant system object represents a component that is a sub-component of a component represented by the subject system would increase the alertness of Touboul's, Dev's and Jacobs's systems by providing the relationship of components using an object-based presentation of components executed by each of the nodes within a network in a hierarchy form (col. 1, lines 36-44).

40. As per claims 20 and 32, Touboul, Dev and Jacobs taught the invention substantially as claimed in claims 1 and 11 above. Touboul, Dev and Jacobs did not specifically detailing the relevant system object represents a grouping with the subject system object. Fanshier taught wherein the relevant system object represents a component that is in a grouping with a component represented by the subject system object (fig. 3; col. 5, lines 15-41).

41. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Touboul, Dev, Jacobs and Fanshier because Fanshier's teaching of the relevant system object represents a component that is in a grouping with a component represented by the subject system object would increase the alertness of Touboul's, Dev's and Jacobs's systems by providing the relationship of components using an object-based presentation of components executed by each of the nodes within a network in a hierarchy form (col. 1, lines 36-44).

42. Applicant's arguments filed 10/26/07 have been fully considered but they are not persuasive.

43. In the remarks, applicant argued that:

(1) Touboul-Jacobs-Dev combination does not teach "a user-generated text-based dialogue request"

(2) Touboul-Jacobs-Dev combination does not teach "receiving... a user-generated dialogue request requesting context data for ... one or more relevant system objects known to be associated with the subject system object" as recited in claim 1.

(3) No motivation, either in the cited references or in the knowledge generally available to one of ordinary skill in the art at the time of the invention to make the proposed combination of Touboul, Dev and Jacobs.

(4) The Touboul and Jacobs references are non-analogous.

(5) No motivation, either in the cited references or in the knowledge generally available to one of ordinary skill in the art at the time of the invention to make the proposed combination of Touboul, Dev, Jacobs and Cox.

(6) The combination of Touboul, Dev, Jacobs and Cox is improper because the references are non-analogous.

(7) Examiner attempt to combine Touboul with Jacobs and Cox appear to constitute the type of impermissible hindsight.

44. In response to point (1), Dev teaches a user generates a request by clicking on text-based listing of alarms (420, fig. 10) to request context data (col. 15, lines 16-18) (i.e. user-generated text-based dialogue request).

45. In response to points (2)-(6), applicant's arguments have been considered and addressed to in paragraphs 43-49 of the office action mailed on 10/02/2007.

46. In response to point (7), applicant's argument that the examiner's conclusion of obviousness is based upon improper hindsight reasoning, it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge

gleaned only from the applicant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971).

47. A shortened statutory period for reply to this Office action is set to expire THREE MONTHS from the mailing date of this action. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Philip C Lee whose telephone number is (571)272-3967. The examiner can normally be reached on 8 AM TO 5:30 PM Monday to Thursday and every other Friday. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bunjob Jaroenchonwanit can be reached on (571) 272-3913. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

P.L.